

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
At Clarksburg**

JEAN D. TRAVIS,

Plaintiff,

v.

Civil Action No. 1:24-cv-33 (Kleeh)

ELECTRONICALLY
FILED
Mar 29 2024
U.S. DISTRICT COURT
Northern District of WV

**CREDIT ACCEPTANCE CORPORATION, and
TRANSPORTATION NETWORK XI, LLC d/b/a
CROWN MITSUBISHI,**

Defendants.

NOTICE OF REMOVAL

Defendant Credit Acceptance Corporation (“Credit Acceptance”), by counsel, hereby provides notice pursuant to 28 U.S.C. §§ 1441 and 1446 of the removal of the above-captioned case from the Circuit Court of Harrison County, West Virginia to the United States District Court for the Northern District of West Virginia. As grounds for removal, Credit Acceptance states as follows:

Background

1. On or about February 27, 2024, plaintiff Jean D. Travis (“Plaintiff”) filed a Complaint in the Circuit Court of Harrison County, West Virginia (the “Complaint”), which was captioned *Jean D. Travis v. Credit Acceptance Corporation, et al.*, Civil Action No. 24-C-55. A true and correct copy of the Complaint is attached as Exhibit A.

2. Plaintiff’s Complaint alleges that, in January 2024, defendant Transportation Network XI, LLC d/b/a Crown Mitsubishi (“Transportation Network”) and Plaintiff’s friend, Gerald Everett, came to her home in connection with the purchase of a new vehicle. Plaintiff alleges that she agreed to be a co-signor for Mr. Everett but that she was unknowingly included as

a buyer of the vehicle along with Mr. Everett. Plaintiff alleges that she was not provided with disclosures related to the purchase of the vehicle. Compl. ¶¶ 5-21.

3. Plaintiff further alleges that Transportation Network and Credit Acceptance unknowingly listed her as the primary borrower on the paperwork for the financing of her and Mr. Everett's purchase of the vehicle. Compl. ¶ 25.

4. Based on the allegations in her Complaint, Plaintiff brings a claim under the Truth-in-Lending Act, 15 U.S.C. § 1601 *et seq.* ("TILA"). Compl. ¶¶ 29-31. That claim is the only claim Plaintiff asserts in this action.

5. On February 28, 2024, both Transportation Network and Credit Acceptance were served with a Summons and a copy of the Complaint through the West Virginia Secretary of State's office.

Federal Question Jurisdiction

6. This Court has original jurisdiction under 28 U.S.C. § 1331 as the only claim Plaintiff asserts in this action is a violation of TILA, a federal statute. Compl. ¶¶ 29-31. Accordingly, this action arises "under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331.

7. Therefore, this action is subject to removal pursuant to 28 U.S.C. §§ 1331 and 1441 at the request of Credit Acceptance.

Venue

8. Pursuant to 28 U.S.C. § 1441(a), the United States District Court for the Northern District of West Virginia is the proper venue for removal because this suit is pending in the Circuit Court of Harrison County, West Virginia, which lies within the Northern District of West Virginia.

Procedural Compliance

9. Removal of this action is timely. 28 U.S.C. § 1446(b) provides that, “[t]he notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based[.]” This Notice of Removal is being filed with the United States District Court for Northern District of West Virginia within 30 days after Credit Acceptance first received notice of the filing of the Complaint.

10. Transportation Network is the only other defendant in this action, and it consents to this removal as evidenced by its Consent to Removal attached as Exhibit B.

11. Credit Acceptance attaches to this Notice of Removal as Exhibit A, and incorporates by reference, a copy of Plaintiff's Complaint and a docket sheet for the state court proceeding. The Complaint is the only “process, pleadings or orders” obtained by Credit Acceptance in this action. 28 U.S.C. § 1446(a). A copy of the Complaint is also filed herewith in a .PDF image file (Exhibit A).

12. Credit Acceptance is serving contemporaneously with this filing a copy of this Notice of Removal upon Plaintiff. Credit Acceptance has filed with the Clerk for the Circuit Court of Harrison County, West Virginia, a Notice of Filing of Notice of Removal, as required by 28 U.S.C. § 1446(d), a copy of which is attached as Exhibit C.

13. By filing a Notice of Removal in this matter, Credit Acceptance does not waive its right to object to service of process, the sufficiency of process, jurisdiction over the person, or venue. No admission of fact, law, or liability is intended by this Notice, and Credit Acceptance specifically reserves the right to assert any defenses and/or objections to which it may be entitled.

14. Based upon the foregoing, this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, and this action is properly removed to this Court.

WHEREFORE, Credit Acceptance hereby gives notice that the above-captioned action, currently pending in the Circuit Court of Harrison County, West Virginia, is hereby removed to this Court.

CREDIT ACCEPTANCE CORPORATION

By Counsel:

/s/ Nicholas P. Mooney II
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CERTIFICATE OF SERVICE

I, Nicholas P. Mooney II, counsel for defendant Credit Acceptance Corporation, do hereby certify that on this 29th day of March, 2024, I filed this **Notice of Removal**, with the Clerk of the Court using the CM/ECF system, and that a copy of this document has been served upon the following by regular U.S. Mail:

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Bren Pomponio, Esquire
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/s/ Nicholas P. Mooney II
Nicholas P. Mooney II (WV Bar No. 7204)